

JUDGE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTON HECHENBERGER,

Defendant.

NO. CR05-056Z

ORDER GRANTING MOTION TO
CONTINUE PRETRIAL MOTIONS
DEADLINE AND TRIAL DATE

THE COURT having considered the stipulation of the parties, the records and files herein, the Court hereby makes the following findings:

1. The defendant, Anton Hechenberger, was indicted in this case on February 9, 2005 with one count of traveling to engage in illegal sexual conduct with a minor. At the time of his indictment, he was present in the Eastern District of Washington facing charges for transmission of child pornography. Mr. Hechenberger was arrested in the Eastern District case at the time he entered the United States allegedly to engage in illegal sexual conduct with a minor, specifically the alleged criminal conduct in the present case.

2. Mr. Hechenberger's case in the Eastern District of Washington resulted in a

1 guilty plea and the imposition of a sentence of 84 months incarceration. Mr. Hechenberger is
2 currently in Bureau of Prisons custody serving that sentence.

3 3. On August 25, 2005, after the conclusion of his case in the Eastern District, Mr.
4 Hechenberger was arrested on a warrant in the present case and transferred to the Western
5 District of Washington to face the present charge. He was arraigned on August 25, 2005.

6 4. At the time of his arraignment, Mr. Hechenberger was given a pretrial motions
7 cutoff date of September 15, 2005, and a trial date of October 31, 2005. Based upon that
8 arraignment date, Mr. Hechenberger's current speedy trial date under 18 U.S.C. § 3161(c)(1)
9 is November 3, 2005.

10 5. The parties have indicated that they have been engaged in good faith efforts to
11 settle the case, and that a particular settlement may be eminent. The parties further have
12 stipulated that, should a settlement not be possible, the defense would need additional time to
13 prepare for trial based upon additional evidence coming to the attention of the government,
14 evidence which the defense has not yet reviewed.

15 6. The Court finds that the parties have acted in good faith and with due diligence,
16 and the present motion is not made for purposes of delay.

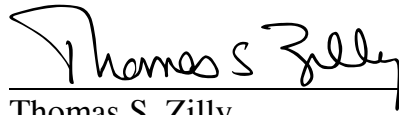
17 7. The Court finds that a failure to grant the continuance would deny counsel the
18 reasonable time necessary for effective preparation, taking into account the exercise of due
19 diligence, within the meaning of 18 U.S.C. § 3161(h)(8)(B)(ii).

20 8. The Court further finds that the ends of justice will be served by ordering a
21 continuance in this case, that a continuance is necessary to insure effective trial preparation
22 and that these factors outweigh the best interests of the public in a more speedy trial, within
23 the meaning of 18 U.S.C. § 3161(h)(8)(A).

24 IT IS THEREFORE ORDERED that the pretrial motions deadline is extended from
25 September 15, 2005 to November 10, 2005 and the trial date in this matter is continued from
26 October 31, 2005 to November 28, 2005.

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2 IT IS FURTHER ORDERED the period of time from the current trial date of October
3 31, 2005, up to and including the new trial date, shall be excludable time pursuant to the
4 Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*

5 DONE this 19th day of October, 2005.

6
7 
8 Thomas S. Zilly
9 United States District Judge

10 Presented by:

11
12 s/ Jay W. Stansell
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22 s/ David Reese Jennings
23 Assistant United States Attorney
24 *Telephonic Approval*
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